

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:95CR79
	)	
v.	)	
	)	
CLARENCE ROBINSON,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's notice of appeal (Filing No. 149). Defendant seeks to appeal the Court's denial of his Fed. R. Crim. P. 36 motion for a "correction of clerical errors."

The time for filing defendant's appeal is governed by Fed. R. App. P. 4(b)(1), which provides in relevant part: "In a criminal case, a defendant's notice of appeal must be filed in the district court within 14 days after the later of:

(i) the entry of either the judgment or the order being appealed . . . . " Fed. R. App. P. 4(b)(1)(A)(i). Upon a finding of excusable neglect or good cause, the Court may extend the time to file a notice of appeal. Fed. R. App. P. 4(b)(4).

The order denying defendant's Rule 36 motion was filed March 3, 2010 (Filing No. 145). Defendant's notice of appeal was not filed until April 23, 2010, which is outside the 14-day period for filing a criminal appeal. The Court does not find

that excusable neglect or good cause exists to justify an extension of time for filing the notice of appeal. Accordingly,

IT IS ORDERED that defendant's notice of appeal is untimely. The clerk of court is directed not to forward defendant's appeal to the Eighth Circuit.

DATED this 16th day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court